

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

In re:	:	Chapter 11
	:	
CIRCUIT CITY STORES, INC., <u>et al.</u> , <sup>1</sup>	:	Case No. 08-35653-KRH
	:	(Jointly Administered)
Debtors.	:	
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**PRETRIAL ORDER**

This Pretrial Order pertains to the *MOTION TO ENFORCE ORDER GRANTING DEBTOR-IN-POSSESSION'S MOTION FOR ORDER SHORTENING NOTICE PERIOD AND LIMITING NOTICE ON DEBTORS' MOTION FOR ORDER UNDER BANKRUPTCY CODE SECTIONS 105, 363(b), AND 503(c)(3) APPROVING A WIND DOWN INCENTIVE AND RETENTION PLAN AND AUTHORIZING PAYMENT OF A WIND DOWN INCENTIVE AND RETENTION PAY TO PLAN PARTICIPANTS*, filed by Laurie Lambert-Gaffney ("Ms. Gaffney") on or about April 21, 2010, and the *OBJECTION OF OFFICIAL UNSECURED CREDITORS' COMMITTEE TO MOTION TO ENFORCE ORDER GRANTING DEBTOR-IN-POSSESSIONS*

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of their respective federal tax identifications numbers are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), Prahs, Inc. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512). The address for Circuit City West Coast is 9250 Sheridan Boulevard, Westminster, Colorado 80031. For all other Debtors, the address is 9950 Mayland Drive, Richmond, Virginia 23233.

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*MOTION FOR ORDER SHORTENING NOTICE PERIOD AND LIMITING NOTICE ON DEBTORS' MOTION FOR ORDER UNDER BANKRUPTCY CODE SECTIONS 105, 363(b), AND 503(c)(3) APPROVING A WIND DOWN INCENTIVE AND RETENTION PLAN AND AUTHORIZING PAYMENT OF A WIND DOWN INCENTIVE AND RETENTION PAY TO PLAN PARTICIPANTS*, filed by the Official Unsecured Creditors' Committee (the "Committee" and together with Ms. Gaffney, the "Parties") on or about May 10, 2010.

Counsel for the Parties attended a pretrial conference held by the Court on June 8, 2010. Counsel estimated the time necessary to conduct the trial of this case to be **One (1) Day** (the "Estimated Trial Time"). As promptly as possible, counsel must advise the court (1) if the time necessary to conduct the trial will exceed the Estimated Trial Time, or (2) if a settlement is reached in this case.

IT IS ORDERED that the following schedule is established in this adversary proceeding. Failure to comply with this Order shall result in appropriate sanctions.

1. The trial shall be held in the United States Bankruptcy Court, Room 5000, U.S. Courthouse, 701 East Broad Street, Richmond, Virginia on **December 7, 2010** (the "Trial Date") at **10:00 a.m.**

2. The Parties shall make the pretrial disclosures required under Rule 7026(a)(1) of the Federal Rules of Bankruptcy Procedure within 14 days following the entry of this order.

3. On or before 21 days prior to the Trial Date counsel for the Parties shall meet at a mutually convenient location and make a good faith effort to narrow the issues in the trial and to enter into written stipulations of any uncontroverted facts (the "Stipulation"). The Stipulation (or in lieu thereof, a joint statement of counsel that no agreement as to any uncontroverted facts could be reached) shall be filed with the Court on or before 14 days prior to the Trial Date.

4. Discovery shall be completed by all Parties no later than 21 days prior to the Trial Date.

5. All motions shall be filed no later than 21 days prior to the Trial Date.

6. The Parties shall make the disclosures of expert testimony required by Rule 7026(a)(2) of the Federal Rules of Bankruptcy Procedure on or before 60 days prior to the Trial Date, or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 7026(a)(2)(B) of the Federal Rules of Bankruptcy Procedure, on or before 21 days after the disclosure made by the other party.

7. On or before 14 days prior to the Trial Date, counsel for the Parties shall file with the Clerk a list of proposed exhibits and the proposed exhibits. The exhibits shall be filed in accordance with the attached instructions which are hereby incorporated and made a part of this order.

8. Objections to any of the proposed exhibits shall be filed on or before 7 days prior to the Trial Date. Exhibits to which no timely objection has been made will stand as admitted into evidence.

9. Counsel for Plaintiff shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that Plaintiff intends to call to testify at trial on or before 14 days prior to the Trial Date; and counsel for the Committee shall file a list of witnesses in accordance with Rule 7026(a)(3)(A) of the Federal Rules of Bankruptcy Procedure that the Committee intends to call at trial on or before 10 days prior to the Trial Date. Counsel for Plaintiff may file a list of rebuttal witnesses on or before 7 days prior to the Trial Date.

10. Counsel for the Parties shall file a designation of those witnesses whose testimony is expected to be presented by means of a deposition and a redacted transcript of the pertinent

portions of the deposition testimony on or before 14 days prior to the Trial Date. Any other party may file counter designations of the redacted portions of the deposition transcript they deem relevant on or before 10 days prior to the Trial Date. Objections to the use under Rule 7032(a) of the Federal Rules of Bankruptcy Procedure of a deposition so designated by another party shall be filed on or before 7 days prior to the Trial Date.

11. It is the responsibility of all counsel to be thoroughly acquainted with and follow the procedures set forth in the statutes, the national and local bankruptcy rules, and the requirements of the judge.

12. The Clerk shall forward a copy of this order to all counsel of record in this contested matter.

ENTER:

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UNITED STATES BANKRUPTCY JUDGE

We ask for this:

/s/ Lynn L. Tavenner

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Seen and Agreed:

/s/ Robert A. Canfield (permission by email dated 7-27-10)

Robert A. Canfield, Esquire

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**LOCAL RULE 9022-1 CERTIFICATION**

In accordance with Local Rule 9022-1, the foregoing proposed order has been endorsed by or served upon all necessary parties.

\_\_\_\_\_/s/ Lynn L. Tavenner\_\_\_\_\_  
Co-Counsel